

Title 35-A: PUBLIC UTILITIES
Chapter 73: TELEPHONE RATES

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Maine Revised Statutes
Title 35-A: PUBLIC UTILITIES
Chapter 73: TELEPHONE RATES

§7301. TELEPHONE CHARGES FOR LOCAL CALLS FROM PAY TELEPHONES

The rate charged by a telephone utility for a local telephone call made from a public or semipublic pay telephone shall be the same throughout its service territory for calls of equal duration. [1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

1987, c. 141, §A6 (NEW).

§7302. TOLL-CALL RATES FOR DEAF, HARD-OF-HEARING, LATE-DEAFENED OR SPEECH-IMPAIRED PERSONS

1. Rate reduction. The commission shall establish a 70% rate reduction for usage-sensitive intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls from certified deaf, hard-of-hearing, late-deafened or speech-impaired persons who must rely on telecommunications devices for the deaf for residential telephone communications. In addition, the 70% rate reduction must apply to all usage-sensitive intrastate toll calls using the state telecommunications relay service. Upon request, this discount must be provided to any noncertified user making calls to a certified user, provided the noncertified user informs the intrastate toll provider of the relevant billed calls made during each billing period. This reduction must also apply to intrastate toll calls made by agencies certified by the Division for the Deaf, Hard of Hearing and Late Deafened in the Department of Labor as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing, late-deafened or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing, late-deafened or speech-impaired persons certified by the Division for the Deaf, Hard of Hearing and Late Deafened of the Department of Labor as eligible to receive a discount. The costs incurred by an intrastate toll provider under this subsection are just and reasonable expenses for rate-making purposes.

[2009, c. 174, §23 (AMD) .]

2. Customers qualifying for the reduction. To qualify for the reduction, a customer must file an affidavit, on a form approved by the commission, with the customer's intrastate toll provider, stating that, due to deafness, hearing impairment or speech impairment, the customer or a member of the household must rely on a telecommunications device for the deaf for telecommunications.

[2009, c. 68, §2 (AMD) .]

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deaf person" has the same meaning as in section 8702, subsection 3. [2009, c. 68, §3 (NEW) .]

B. "Hard-of-hearing person" has the same meaning as in section 8702, subsection 3-A. [2009, c. 68, §3 (NEW) .]

C. "Speech-impaired person" has the same meaning as in section 8702, subsection 5. [2009, c. 68, §3 (NEW) .]

D. "Telecommunications device for the deaf" has the same meaning as in section 8702, subsection 6. [2009, c. 68, §3 (NEW).]

[2009, c. 68, §3 (NEW) .]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1989, c. 66, (AMD). 1993, c. 275, §1 (AMD). 1993, c. 589, §13 (AMD). 1993, c. 708, §J10 (AMD). 1995, c. 462, §A66 (AMD). 1995, c. 560, §F15 (AMD). 2009, c. 68, §§1-3 (AMD). 2009, c. 174, §23 (AMD).

§7303. MANDATORY LOCAL MEASURED TELEPHONE SERVICE PROHIBITED

1. Mandatory measured service. Mandatory local measured telephone service is prohibited in the State.

[1987, c. 141, Pt. A, §6 (NEW) .]

2. Traditional flat rate local service. The commission shall establish rates for telephone companies which will preserve traditional flat rate local telephone service at as low a cost as possible, allowing for unlimited local exchange calling for a single monthly fee as the standard phone service in the State for both business and residential customers. Flat rate service with unlimited local calling shall be described by the telephone company as the "standard" service in all its communications with the public and the commission. Any other local calling service shall be described as an "optional" service.

[1987, c. 141, Pt. A, §6 (NEW) .]

3. Standard. In any proceeding before the Supreme Judicial Court or the commission to review the reasonableness and lawfulness of a local telephone rate approved by the commission, it shall be presumed that any rate which results in less than 3/4 of the residential customers maintaining standard flat rate service in those exchanges offering optional measured service is in violation of subsection 2, requiring the commission to establish a rate structure which will preserve traditional flat rate local telephone service at as low a cost as possible. The presumption established in this subsection may be overcome by clear and convincing evidence that no reasonable alternative rate could be implemented which will maintain 3/4 of the residential customers as standard flat rate customers.

[1987, c. 141, Pt. A, §6 (NEW) .]

SECTION HISTORY

1987, c. 141, §A6 (NEW).

§7303-A. BASIC SERVICE CALLING AREAS

1. Petition. Upon written petition of 50 or more customers of a local exchange carrier who receive local, flat-rate, basic service within no more than a single exchange area, the commission shall open a proceeding to investigate expanding that basic service calling area. The commission shall hold at least one public hearing. The commission, within 6 months of the filing of the written petition, shall issue an order that must either expand the basic service calling area or state the commission's reasons for refusing to expand the basic service calling area. If the commission expands the basic service calling area pursuant to this subsection, the commission may allow a carrier affected by the expansion to recover, to the extent reasonable, its costs, including lost revenues, attributable to the expansion.

[2001, c. 106, §1 (NEW) .]

2. Rules; limitation on petitions. No later than 30 days after the effective date of this subsection, the commission shall by rule establish standards for expanding single-exchange basic service calling areas pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. A petition may not be filed with or accepted by the commission pursuant to subsection 1 prior to 30 days after the effective date of this subsection.

[2001, c. 106, §1 (NEW) .]

SECTION HISTORY

2001, c. 106, §1 (NEW).

§7304. PROHIBITION AGAINST ORDERING COMPETITIVE BIDDING

The commission may not issue any order or adopt any rule that requires a local exchange carrier to consider competitive bids on, or requires notice to potential bidders of, the construction of any interexchange facility. Nothing in this section limits the ability of the commission to establish reasonable rates for customers. [1991, c. 54, §2 (AFF); 1991, c. 54, §1 (RPR).]

SECTION HISTORY

1989, c. 444, (NEW). 1991, c. 54, §2 (AFF). 1991, c. 54, §1 (RPR).

§7305. NOTICE OF CHARGES FOR USE OF PUBLIC TELEPHONES

1. Notice of charges. Any person who owns, controls, operates or manages a public telephone shall provide a written notice within the immediate vicinity of the telephone and plainly visible to any person using the telephone. The notice must:

- A. Identify the name, address and telephone number of the person who owns, controls, operates or manages the public telephone to whom complaints regarding that telephone may be directed; [1989, c. 651, §2 (NEW).]
- B. Inform the person using the public telephone how to contact a local telephone company operator or "911" service operator in case of emergency; [1989, c. 651, §2 (NEW).]
- C. Specify the rates or charges for use of the public telephone, including charges for local calls, intrastate calls, "800" or other toll-free calls, uncompleted calls, incoming calls, collect calls, 3rd-party calls and credit card calls; and [1989, c. 651, §2 (NEW).]
- D. Contain the identity of the long-distance company that serves the public telephone, explain how the user of the public telephone may, at no charge, obtain information on the rates or charges imposed by the long-distance company, and any additional charges imposed on the user for long distance services. [1989, c. 651, §2 (NEW).]

[1989, c. 651, §2 (NEW) .]

2. Charges limited when no notice. Any person who owns, controls, operates or manages a public telephone and fails to provide the notice required by subsection 1 may not demand or receive compensation for use of the telephone in excess of charges imposed by the local exchange telephone utility serving that area with respect to that use.

[1989, c. 651, §2 (NEW) .]

SECTION HISTORY

1989, c. 651, §2 (NEW).

§7306. CUSTOMER PREMISE WIRE

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following term has the following meaning.

A. "Customer premise wire" means the segment of telephone wiring from the customer's side of the protector, or such other point that may be determined by the commission, to the customer's telephone equipment. [1991, c. 318, §1 (NEW).]

[1991, c. 318, §1 (NEW) .]

2. Deregulation of customer premise wire. The commission may by rule deregulate all or a portion of a telephone utility's service providing installation, maintenance and repair of customer premise wire. Prior to deregulation, the commission must find that a reasonable degree of competition exists between providers of installation, maintenance or repair services on customer premise wire. The commission must include the results of any action taken pursuant to this subsection in the annual report filed with the Legislature pursuant to section 120.

[1991, c. 318, §1 (NEW) .]

3. Ratemaking treatment of customer premise wire services. Nothing in subsection 2 restricts the commission's authority over the ratemaking treatment of expenses and revenues associated with customer premise wire services offered by a telephone utility.

[1991, c. 318, §1 (NEW) .]

SECTION HISTORY

1991, c. 318, §1 (NEW).

§7307. NOTICE OF INTRASTATE TOLL RATE CHANGES

1. Notice required. A telephone utility offering intrastate toll service may not increase the price for such service or change its terms or conditions for such service in a manner that results in an increase in costs for any customer without first:

A. Filing a tariff revision with the commission identifying the new price or the change in the terms or conditions of service unless the utility is exempt from filing tariffs pursuant to rules adopted by the commission under section 307-A; and [2007, c. 478, §2 (AMD).]

B. Providing prior adequate written notice to each retail subscriber receiving intrastate toll service from the utility identifying the change in terms or conditions or price increase and the effective date of the change or increase. The notice, which may take the form of a bill insert, must be provided no less than 25 days prior to the effective date of the increase in price or change in terms or conditions. The commission by rule shall define what constitutes adequate written notice and shall specify whether notice by electronic means is adequate written notice. [2001, c. 29, §1 (NEW).]

[2007, c. 478, §2 (AMD) .]

2. Failure to notify. An increase in price or a change in the terms or conditions of service that results in an increase in costs for a customer receiving intrastate toll service from a telephone utility may not take effect until the customer has been supplied with adequate written notice in conformity with subsection 1. A customer that has not been supplied with adequate written notice under subsection 1 is not obligated to make payment for any increase in the customer's bill attributable to an increase in price or change in the

terms or conditions. A telephone utility shall refund to a customer any increase in the customer's payments attributable to an increase in price or change in terms or conditions if the telephone utility fails to provide adequate written notice in accordance with subsection 1.

[2001, c. 29, §1 (NEW) .]

3. Notice of rights. A telephone utility offering intrastate toll service shall provide notice to customers of the requirements of subsection 1, paragraph B and of customer rights pursuant to subsection 2. The commission by rule shall specify the form and frequency of the notice.

[2001, c. 29, §1 (NEW) .]

4. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 29, §1 (NEW) .]

SECTION HISTORY

2001, c. 29, §1 (NEW). 2007, c. 478, §2 (AMD).

§7308. PREPAID CALLING SERVICE

1. Definition. For purposes of this section, "prepaid calling service" has the same meaning as in Title 36, section 2551, subsection 9.

[2007, c. 511, §1 (NEW) .]

2. Prohibition on retroactive rate increase for prepaid calling services. A provider of prepaid calling services may not increase the rate charged for the quantity of service that the consumer purchased until the balance of the purchased service is consumed or expires in accordance with an expiration date of which the consumer had notice at the time of purchase. The quantity of service must be determined by the rates, terms and conditions in effect at the time of the purchase.

[2007, c. 511, §1 (NEW) .]

3. Notice of rate increase for prepaid calling service purchased by telephone or on the Internet. A provider of a prepaid calling service shall notify a consumer of the prepaid calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet. This notice may be in the form of a telephone recording.

[2007, c. 511, §1 (NEW) .]

4. Notice of variance between in-state and interstate rates. A provider of a prepaid calling service shall notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service. If that service is purchased in a store, this notice must be on the packaging of the prepaid calling service product. If that service is purchased by telephone, this notice must be in the form of a telephone recording. If that service is purchased on the Internet, this notice must be on the website on which that service is purchased.

[2007, c. 511, §1 (NEW) .]

SECTION HISTORY

2007, c. 511, §1 (NEW).

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